

**BRETT O'NEIL**  
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*Attorney for the state of Montana*

**OFFICE OF THE COMMISSIONER OF SECURITIES AND INSURANCE,  
MONTANA STATE AUDITOR**

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STATE OF MONTANA,	)	
	)	
Plaintiff,	)	Case No.: INS-2012-191
vs.	)	
	)	
MARK HERSOM,	)	<b>DEFERRED PROSECUTION</b>
	)	<b>AGREEMENT PURSUANT TO M.C.A.</b>
Defendant.	)	<b>§ 46-16-130</b>
	)	

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AGREEMENT made and entered into between Brett O'Neil, Special Assistant Attorney General for the state of Montana, and Mark Hersom. Mr. Hersom was not represented by counsel, but was advised of his right to have an attorney review this agreement.

IT IS AGREED between the parties that in consideration of the conditions and objectives listed below, the Office of the Commissioner of Securities and Insurance, Montana State Auditor (CSI), will defer prosecution of the offense alleged to have been committed by Mark Hersom on or about May 24, 2012, in Cascade County, involving the charge of: COUNT I: THEFT by INSURANCE FRAUD, a FELONY, in violation of Mont. Code Ann. §§ 33-1-1202 and 45-6-301(6)(a).

IT IS AGREED that if the conditions and objectives as set out below are met for the duration of two (2) years from the date of signing this agreement, then the CSI will not prosecute the above-alleged offense and will be barred from so prosecuting by the terms of this agreement.

**CONDITIONS AND OBJECTIVES OF  
DEFERRED PROSECUTION AGREEMENT**

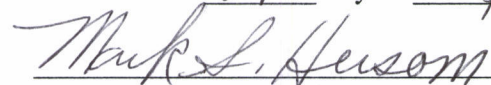
In accordance with this Deferred Prosecution Agreement, Defendant will abide by the following conditions and objectives:

1. Defendant will obey all city, county, state, and federal laws;
2. Defendant acknowledges that he waives any objection on the basis of speedy trial or statute of limitations for the period of this agreement.

DATED this 25<sup>th</sup> day of September, 2012.

  
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Brett O'Neil, Special Assistant Attorney General

DATED this 21<sup>st</sup> day of September, 2012.

  
\_\_\_\_\_  
Mark Hersom, Defendant

*MSH - 9/21/12*